

DETAILED ACTION

This action replaces the previous Final Office Action of April 9, 2008. The Final Action was improperly made as the now rejected claims were not previously rejected under the art rejection as stated below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 32, 35, 36, 37 and 51-54 are rejected under 35 U.S.C. 102(b) as being anticipated by Loomer (US 5,676,061).

Loomer discloses a drive car adapted to move along a track and comprised of front and rear wheel assemblies mounted on the frame of the vehicle. The wheel assemblies are further comprised of an upper drive wheel 42 and a pair of side guide wheels 68, 72. The front and rear assemblies are identical with the upper drive wheel engaging a top surface of the rail 10 and the side guide wheels contacting the sides of the top surface of the rail 10. The upper drive wheels are powered by an electric motor 46 mounted on the frame. The drive cars are also equipped with a movable conveyor belt assembly mounted on top of the frame and the drive wheels. The belt is stretched around a plurality of wheels which move the belt to load and unload cargo to be moved by the vehicle. Additional wheels mounted below the belt and on the frame aid in moving the belt. This is best shown in figure 10.

Allowable Subject Matter

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Claims 1, 21, 25, 26, 31, 42, 43 and 30-64 are allowed.

Claims 33, 34 and 38-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed January 10, 2008 have been fully considered but they are not persuasive. Applicant simply states that claims 2-20, 22-24, 27-30, 44-50, 55-59 and 65-68 have been cancelled and claims 31, 32, 35, 36, 37, 38, 51, 60, 62 and 63 have been amended. The amended claims were objected to as being dependent from a rejected independent claim. However, the amendment making these claims independent did not include any of the original allowable features.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT J. MCCARRY JR whose telephone number is (571)272-6683. The examiner can normally be reached on Monday through Friday 7:00am to 3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joseph Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. J. McCarry Jr./
Examiner
Art Unit 3617

RJM
August 14, 2008

/Mark Le/
Primary Examiner
A.U. 3617